

REMARKS

Claims 1-29 and 38-43 are pending in the present application. Applicants note with appreciation the allowance of claims 1-27 and the indication of allowable subject matter with respect to claims 39, 42 and 43. With entry of this Amendment, Applicants amend claims 28, 29, 39 and 42. Reexamination and reconsideration are respectfully requested.

The Examiner rejected claims 28, 29, 38, 40 and 41 under 35 U.S.C. § 102(b) as being anticipated by Sasaki et al. (U.S. Patent No. 4,861,928). The rejection is respectfully traversed.

Claim 28

Claim 28 is directed to an information storage medium having a plurality of recording channels. The Examiner did not give weight to the remainder of the claim recitations, because claim 28 referred to the channels being “used for recording” the recited data information. Applicants have amended claim 28 to recite that the channels are “occupied by” the recited data information. It is believed that claim 28, as amended, clearly recites the structure of the medium and, thus, all of its recitations must be given patentable weight.

Claim 28 recites the channels are occupied by “pieces of data information represented by digital data codes asynchronously produced at irregular intervals” and “pieces of information which is meaningless with respect to definitions of said pieces of data information and represented by synchronous data codes.” Claim 28 recites that the synchronous data codes are “supplemented into said irregular intervals among said digital data codes for producing a continuous data stream so that each of said digital data codes is contiguous to another of said digital data codes or one of said synchronous data codes” Such a continuous data stream results in high transfer efficiency.

Fig. 11A of Sasaki discloses a track on a recording medium in which audio data is recorded in segment SA of the track and a portion of segment SB of the track. The remaining segments are not recorded with audio data and are called “dummy” segments by Sasaki. (See, e.g., Col. 10, lines 14-16.) The “dummy” segments are not pieces of meaningless information that are supplemented among the audio data to produce a continuous stream, but rather blank segments of

the track. Thus, Sasaki fails to disclose an information storage medium occupied by "pieces of information which is meaningless with respect to definitions of said pieces of data information and represented by synchronous data codes" that are "supplemented into said irregular intervals among said digital data codes for producing a continuous stream." Accordingly, Applicants respectfully submit that claim 28 is not anticipated by Sasaki.

Claim 29

The Examiner did not give weight to the recitations of dependent claim 29, because the recitations are not directed to the structure of the information storage medium. Applicants have amended claim 29 to recite "said plurality of recording channels are made of a material that is opto-magnetically changed by the recording of said pieces of data information, said pieces of meaningless information and said other pieces of data information." It is believed that claim 29, as amended, clearly recites the structure of the medium and, thus, its recitations must be given patentable weight.

Applicants respectfully submit that claim 29, as amended, is not anticipated by Sasaki for at least the reasons set forth above with respect to claim 28.

Claim 38

Claim 38 recites "converting digital data codes into an analog signal carrying said pieces of music information through a modulation technique" and "recording said pieces of music data information in said analog signal into an information storage medium."

Sasaki in Fig. 2 discloses a digital to analog conversion at 15 and a frequency modulator at 5. Note that the frequency modulator 5 is well after the digital-to-analog conversion. Thus, it is believed that Sasaki fails to disclose "converting digital data codes into an analog signal carrying said pieces of music information through a modulation technique." Thus, Applicants respectfully submit that claim 38 is not anticipated by Sasaki.

Claim 39

Applicants note with appreciation the indication of allowable subject matter with respect to claim 39. Claim 39 has been amended to place it in better form.

Claim 40

Claim 40 further defines the modulation technique of claim 38 as “differential phase shift keying.” The Examiner did not give this recitation any weight and only cited to the modulator 5 of Fig. 2 in Sasaki. However, Applicants respectfully submit that differential phase shift keying is a form of modulation and thus the recited name of the technique discloses a function, i.e., the specific form of modulation. Because Sasaki fails to disclose any such modulation, Applicants respectfully submit that claim 40 is not anticipated by Sasaki.

Claim 41

Claim 41 is directed to a recording apparatus. It recites “an analog audio signal producing circuit supplied with said digital data codes, and producing an analog audio signal carrying said pieces of music data information through a modulating technique assigning values of said digital data codes to values of a physical quantity periodically varied” It is believed that claim 41 is not anticipated by Sasaki for at least the reasons set forth above with respect to claim 38.

Claims 42 and 43

Applicants note with appreciation the indication of allowable subject matter with respect to claim 42 and 43. Claim 42 has been amended to place it in better form.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032024400.

Dated: June 7, 2006

Respectfully submitted,

By 

Mehran Arjomand

Registration No.: 48,231

MORRISON & FOERSTER LLP

555 West Fifth Street, Suite 3500

Los Angeles, California 90013

(213) 892-5200